

CHAIRMAN
Peter A. Bradford



COMMISSIONERS
Cheryl Harrington
David H. Moskovitz

STATE OF MAINE
PUBLIC UTILITIES COMMISSION
242 State Street
State House Station 18
Augusta, Maine 04333-0018
(207) 289-3831

April 1, 1987

CAD Bulletin No. 87-4

TO: Electric and Gas Utilities Subject to the Winter Disconnection
Rule (Chapter 81, Section 17)

FROM: Barbara R. Alexander, Director, Consumer Assistance Division *BA*

SUBJECT: Coming Out of the Winter Disconnection Period

This Bulletin is to help avoid any confusion that might exist
regarding how to approach the end of the Winter Disconnection Period.

Chapter 81, Section 17(D) states:

D. Disconnection Notice Accompanied by
Communication with Customer

Every disconnection notice affecting a residential unit issued from November 1 through March 31 shall be accompanied by a written Notice of Customer Rights in the form contained in Part N. Unless the amount owed for which the disconnection notice was sent has been paid, whether or not the utility actually intends to disconnect, a representative of the utility shall attempt to make personal contact with the customer in person or by telephone before the proposed disconnection date. Upon making personal contact, whether initiated by the utility or the customer, the utility representative shall orally provide the Notice of Customer Rights and give the customer all reasonable assistance to ensure his or her understanding of said rights. If the utility is not able to make personal contact with the customer, the utility must then proceed in accordance with Part G and attempt to make contact in the manner described therein; provided that, if the utility fails to make such personal contact by April 15, the utility is not required to proceed in accordance with Part G, but may proceed in accordance with Chapter 81.

After March 31, a utility may not send a disconnection notice to any customer whose bills issued from November 1 through March 31 indicates an arrearage, unless the utility made a good faith effort to make personal contact with the customer and establish a Special or Regular Payment Arrangement. With respect to any such customer, the utility must attempt to make personal contact in accordance with Parts D and G and to establish a Special Payment Arrangement, regardless of the customer's eligibility. If the customer refuses to enter into a Special Payment Arrangement, the utility may disconnect upon 14 days notice in accordance with Chapter 81.

Part I requires that the utility must obtain CAD permission to disconnect only during the Winter Disconnection Period, i.e., November 15 through April 15.

In addition, Part M requires that the Notice of Customer Rights be included in residential bills mailed from November 1 through March 31 bills and disconnect notices mailed after March 31 are not required to include the Notice of Customer Rights.

The Consumer Assistance Division interprets these provisions to mean:

1. No requests for permission to disconnect will be accepted by CAD after April 15.
2. If the utility fails to make personal contact prior to April 15 on a disconnect notice issued from November 1 through March 31, the utility is not required to issue the Part G(2) warning letter, but may instead issue a new 14-day disconnect notice. Any such disconnect notice must contain a specific disconnect date after April 15.
3. The utility must be prepared to document compliance with the 2nd Paragraph of Part D for disconnection notices issued after March 31 if the arrearages were incurred as a result of bills issued from November 1 through March 31. This Paragraph's intent is to prevent a utility from failing to act on winter-incurred arrearages

during the Winter Period and then acting to disconnect post-April 15. At some point a customer who incurs arrearages as a result of bills issued from November 1 through March 31 must be offered an opportunity for a Special or Regular Payment Arrangement. Failure to do so during the Winter Period means that the customer must be offered a Special Payment Arrangement without regard to eligibility.

4. Disconnect notices (3-day) issued for broken payment arrangements should generally follow the same timing procedures outlined above for 14-day notices. A 3-day notice issued, for example, in early April should follow the provisions of Part H(5)(6) (offer of second Special Payment Arrangement). A 5-day warning letter should not be sent unless the request for permission to disconnect can be submitted on or prior to April 15. A new 3-day notice must be generated after April 15. The provisions of Part D(5)(C) are then applicable.

Thank you for your cooperation. Please call me or Betty Bero if you have further questions.